



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

USDC SDNY
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ABIGAIL GOLDENBERG
phone: 212-788-1275
fax: 212-788-0940
email: abgolden@law.nyc.gov

February 26, 2008

BY FACSIMILE

Hon. Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007
Fax: 212-805-7941

Re: J.B., on behalf of K.B. v. New York City Dept. of Education
08 Civ. 1212 (LAP)

Dear Judge Preska:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel Michael A. Cardozo. I write on behalf of defendant Department of Education ("DOE") to respectfully request a 30 day extension of time for DOE to respond to the complaint, from February 28, 2008, until March 28, 2008. This is the first request for an extension of time in this matter. Plaintiff consents to this request.

Plaintiff herein alleges that she is entitled to attorney's fees in that, in January 2005, she substantially prevailed at an administrative hearing relating to the educational placement of her child, K.B. If the record ultimately demonstrates plaintiffs were in fact the prevailing party, the DOE does not dispute that counsel is entitled to reasonable fees. In fact, the DOE has a process for obtaining fees in this context. Plaintiffs' counsel has been previously informed of this process (and in fact, has previously utilized this process), but has instead opted to seek relief from this Court in the first instance.

In any event, on several days ago, I contacted plaintiff's counsel to request that he provide defendant with copies of his billing records. Plaintiff's counsel has indicated that he will do so shortly. An extension of time will allow for such records to be transmitted, and for defendant's counsel to analyze plaintiffs' request and explore the possibility of settlement.

Thank you for your consideration of this request for an extension of time to respond to the complaint until March 28, 2008.

February 27, 2008

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,



Abigail Goldenberg (AG 4378)
Assistant Corporation Counsel

cc: By Fax
Mayerson & Associates
Attn: Gary S. Mayerson
330 West 38th Street, Suite 600
New York, New York 10580
Fax: 212-265-1735